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was sent by the plaintiff's sister to his father, at whose house he was staying, telling of the illness of the plaintiff's daughter, "for the use and benefit of the plaintiff," and prepaid out of his funds. The court said: "The plaintiff could therefore maintain the action, both because the sister was his agent for the purpose of sending the telegram, and also because the plaintiff was the beneficial party in the contemplation of the contract of sending the message, since it was on its face sent for his benefit, and he was the party who alone would be injured by its negligent delay or non-delivery."

*Extradition — Trial for a Different Offence.* — In *Ex parte McKnight*, 28 N. E. Rep. 1034, the Supreme Court of Ohio has held that a person surrendered to the authorities of a State from another State on extradition proceedings, cannot, while held in custody thereunder, be lawfully tried for any other crime than that upon which his extradition was obtained, unless he voluntarily waives his privilege. There are many conflicting decisions upon this subject both as to international and inter-State extradition, but as regards the former, *State v. Vanderpool*, 39 O. St. 273, and *U. S. v. Rauscher*, 119 U. S. 407, hold that under the Ashburton treaty, although the treaty itself is silent upon the question, one cannot be so tried. In *State v. Stewart*, 60 Wis. 587, the Supreme Court of Wisconsin while recognizing the soundness of these decisions, holds that they are not applicable to cases of inter-State extradition. This, however, the Ohio court denies; the right itself exists solely by virtue of the provisions in the federal constitution, without which no State would be under any obligation to surrender to another any person within its borders. Sec. 5278 of the Revised Statutes provides that a copy of the indictment found must accompany the request for extradition, which would be useless could the prisoner afterwards be tried on a totally different charge. The court say that it is unreasonable to suppose any State would pay any serious attention to a general representation that the party was guilty of *some* violation of the laws of the State demanding him, yet that is practically the present case. They therefore hold that sound principle compels them to decide that the prisoner could only be tried upon the specific charge upon which his extradition was based.

*Imputed Negligence — Louisville N. A. & C. R. R. v. Creek*, 29 N. E. Rep. 481 (Ind.) C. was riding in a buggy with her husband across a railroad track and while so doing was killed by the negligence of the defendant's servants. C.'s husband was guilty of